

**BOROUGH OF WESTWOOD
BOARD OF HEALTH
NOTICE**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the Regular Meeting of the Board of Health on the 12th day of January, 2011, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Board of Health to be held on the 9th day of February, 2011 at 7:30 PM or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Sharon Blehl, Director
Westwood Board of Health

ORDINANCE # 11-01

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE BOARD OF HEALTH ORDINANCES OF THE BOROUGH OF WESTWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF PART III OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Be it ordained and enacted by the Board of Health of the Borough of Westwood, County of Bergen, State of New Jersey, as follows:

§ 381-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of Westwood of a general and permanent nature adopted by the Board of Health of the Borough of Westwood, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 381 through 418, are hereby approved, adopted, ordained and enacted as Part III of the Code of the Borough of Westwood, hereinafter known and referred to as the "Code."

§ 381-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede Part III of the 1974 Code of the Borough of Westwood (as republished in 1982) and all other general and permanent ordinances enacted by the Board of Health prior to the enactment of Part III of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 381-3. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 381-4. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the Board of Health Secretary and shall remain there for use and examination by the public until final action is taken on this

ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Board of Health Secretary of the Borough of Westwood by impressing thereon the Seal of the Borough, as provided by law, and such certified copy shall remain on file in the office of the Board of Health Secretary of the Borough, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 381-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the Board of Health to make them a part thereof, shall be deemed to be incorporated into Part III of such Code so that reference to the "Code of the Borough of Westwood" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 381-6. Publication; filing.

The Secretary of the Board of Health of the Borough of Westwood shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Borough. Sufficient copies of the Code shall be maintained in the office of the Board of Health Secretary for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 381-7. Code book to be kept up-to-date.

It shall be the duty of the Board of Health Secretary or someone authorized and directed by the Board of Health Secretary to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 381-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Board of Health Secretary, or an authorized agent of the Board of Health Secretary, upon the payment of a fee authorized by the Borough. The Board of Health Secretary shall also arrange for procedures for the periodic supplementation of the Code.

§ 381-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Borough of Westwood to be misrepresented thereby. Anyone violating this section or

any part of this ordinance shall be subject, upon conviction, to a fine of not less than \$50 nor more than \$1,000, in the discretion of the Judge imposing the same.

§ 381-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 381-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 381-12. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance, except as hereinafter provided.

§ 381-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to 8-18-2004.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.

§ 381-14. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said Board of Health ordinances. It is the intention of the Board of

Health that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

- B. In addition, the changes, amendments or revisions as set forth in Schedule A which is available from the Board of Health, the Borough Clerk and found on the Borough website, www.westwoodnj.gov, are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)